IN THE HIGH COURT OF UTTARAKHAND AT ANINITAL

Government Appeal No. 81 of 2007

State of Uttarakhand. …… Appellant

Versus

Kailash Chandra Joshi S/o Heromani Joshi,
Village Palson, Patwari Kshetra Palson,
Thana Lohaghat,
Tehsil & District Champawat. …… Respondent

Mr. G.S. Sandhu, Government Advocate and Mr. M.A. Khan, Brief Holder for the appellant State.

JUDGMENT
Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. G.S. Sandhu, Government Advocate and Mr. M.A. Khan, Brief Holder for the appellant State.

2. Appellant State has filed this appeal against the impugned judgment dated 05.09.2003 passed by Sessions Judge, Pithoragarh in Sessions Trial No. 2 of 2000, whereby respondent accused Kailash Chandra Joshi was acquitted of the charge under Section 302 of the I.P.C.

3. The bailable warrant issued against respondent Kailash Chandra Joshi in compliance of this Court's order dated 28.02.2007 has been received back with the report that the respondent died on 31.01.2005.

4. As the sole respondent in this appeal against acquittal – Kailash Chandra Joshi has died, the appeal abates and is dismissed accordingly.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**

26.04.2007 26.04.2007

G